

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 17, 2003  
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Bob Workman  
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:16 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 10, 2003**

**MOTION:** Stevens and Workman seconded approval of Staff Meeting minutes of April 10, 2003. Stevens, Workman and Heier voted aye. Hudkins and Schorr were absent from voting. Motion carried.

Schorr arrived at 8:18 a.m.

**2 ADDITIONS TO THE AGENDA**

- A. Electronic Fund Transfer Project
- B. Health Insurance Portability & Accountability Act (HIPAA) Update
- C. Tax Equalization and Review Commission (TERC) Order to Show Cause
- D. 5-City TV Program
- E. Study of Closure of Old Cheney Road at Highway 77

**MOTION:** Stevens moved and Workman seconded approval of the additions to the agenda. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

## **ADDITIONS TO THE AGENDA**

- C. Tax Equalization and Review Commission (TERC) Order to Show Cause

Norm Avena, County Assessor/Register of Deeds, appeared and said he has been served notice of a show cause hearing before the Tax Equalization and Review Commission (TERC) because of ratios for residential and commercial properties.

Hudkins arrived at 8:26 a.m.

### **3 COMMISSIONERS MEETING REPORTS**

- A. Information Services Policy Committee - Stevens

Stevens reported on plans to extend fiber connections to Community Mental Health Center and Trabert Hall.

- B. Hometown Security Study Committee - Hudkins

No meeting.

- C. Board of Health - Hudkins

Hudkins reported on the Lincoln-Lancaster County Board of Health Annual Awards Banquet.

In response to a question from Stevens, Hudkins said the Health Department has indicated a preference to expand its present campus, rather than look at other properties.

- D. Region V Governing Board - Heier

Heier reported on review of service providers.

- E. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Workman, Stevens

Workman said voter turnout in the City Primary was discussed.

### **4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates**

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

Bill Jarrett, Chief Deputy Sheriff, appeared and gave an overview of LB 304 (adopt the Peace Officer Employer-Employee Relations Act) (Exhibit B). He also distributed copies of Lancaster County Sheriff's Office Standard Operating Procedures and Personnel Action Report (Exhibits C & D).

**MOTION:** Workman moved and Stevens seconded to oppose LB 304 and to encourage the Nebraska Association of County Officials (NACO) to oppose the bill. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

## **5 ADULT CORRECTIONS VIDEO**

The Board viewed a video titled *Jails in America, A Report on Podular Direct Supervision*.

## **6 CONNECTING LINK; CRISIS CENTER CONTRACT FOR ADDICTION COUNSELING** - Dean Settle, Community Mental Health Center Director

### **Connecting Link**

Dean Settle, Community Mental Health Center (CMHC) Director, said an organizational climate study at the CMHC will be paid for with funds budgeted for an accreditation consultant, but not expended, and funds remaining in the Staff Development Fund.

### **Crisis Center Contract for Addiction Counseling**

Settle said the Region V contract requires CMHC to have a Certified Addiction and Drug Counselor (CADC) available to perform substance abuse evaluations. An agreement has been negotiated with the Lincoln Council on Alcoholism & Drugs (LCAD) for this service, up to 10 hours per week, at a rate of \$26 per hour. He said there are sufficient funds in the CMHC budget to fund this expense.

Schorr noted that the County recently signed an agreement with The Recovery Center for a CADC to perform substance abuse evaluations and clinical supervision of individuals being trained to provide substance abuse evaluations at the Lancaster County Assessment Center and asked whether CMHC could utilize the same individual.

Settle agreed to explore that option. He also reported on his recent participation in a Council for Accreditation for Rehabilitation Facilities (CARF) survey at the Sheriff's Office in Broward County, Florida.

**7 COUNTY SPECIAL PERMIT NO. 200, MOBILE HOME AT NORTH 40<sup>TH</sup> STREET AND RAYMOND ROAD (8 YEARS) - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, reviewed County Special Permit No. 200, a request for a special permit to locate a permanent mobile home on property at North 40<sup>th</sup> Street and Raymond Road, explaining that the mobile home was purchased during the transition to enforcement of regulations being applied to farms (Exhibit F). He said there is a recommendation of conditional approval from Staff and the Planning Commission. DeKalb said the Planning Commission has recommended that removal be required eight years from date of approval rather than five years, as initially requested.

**8 FUNDING FOR COMMUNITY HEALTH CENTER - Judy Halstead, Resource & Program Development Coordinator, Lincoln/Lancaster County Health Department; Brad Sher, Vice President Managed Care Service, BryanLGH Medical Center; Charlotte Liggett, Vice President Strategic Planning, St. Elizabeth's Regional Medical Center**

Judy Halstead, Resource & Program Development Coordinator, Lincoln/Lancaster County Health Department, said an application for funding of the Peoples' Health Center (PHC) has been submitted to the federal government. A funding request has also been submitted to the Community Health Endowment.

Brad Sher, Vice President Managed Care Service, BryanLGH Medical Center, gave an overview of projected expenses and revenue for PHC's first three years of operation (Exhibit G). He said unmet needs total \$82,988 - \$85,988 for equipment, Medicare adjustment, line of credit interest and bridge loan interest and asked the County to provide \$50,000 to help meet those needs.

In response to a question from Hudkins, Halstead said PHC will enter into a ten year lease for a building at 27<sup>th</sup> and "Y" Street, which is considered to be an optimal location. She noted there is room on that site for Phase II expansion and said Congressman Bereuter is working to earmark funds for that purpose.

Hudkins suggested that the County purchase the needed equipment through a Nebraska Association of County Officials (NACO) lease and said payments could be made with Keno Fund proceeds.

**MOTION:** Hudkins moved and Schorr seconded to: 1) Indicate the intent to spend up to \$50,000 to purchase equipment for the Peoples' Health Center (PHC); 2) Direct Dave Kroeker, Budget and Fiscal Officer, to pursue financing through a Nebraska Association of County Officials (NACO) lease; and 3) Direct the County Attorney's Office to draft the necessary documents. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

**9 FLOODPLAIN TASK FORCE REPORT** - Nicole Fleck-Tooze, Public Works/Utilities Special Projects Administrator; Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager; Don Thomas, County Engineer

Nicole Fleck-Tooze, Public Works/Utilities Special Projects Administrator, gave an overview of the Mayor's Floodplain Task Force Final Report, April 2003 (Exhibit H), noting the following recommendations for new growth areas:

- \* Adopt No Adverse Impact Policy
- \* Improve Accuracy of Floodplain Maps
- \* Adopt New Floodplain Standards
- \* Provide Flexibility for Stream Crossings
- \* Apply Stream Buffers to Mapped Floodplains and Smaller Streams
- \* Preserve Flood Storage on Surplus Property
- \* Develop a Floodplain Buyout Program
- \* Do Not Charge Floodplain Development Fee
- \* Encourage Best Management Practices
- \* Take Action Regarding Salt Creek Floodplain Through Lincoln
- \* Encourage Higher Building Construction Standards
- \* Protect Lateral Additions to Non-Residential Structures
- \* Provide Incentives for Cluster Development
- \* Use Floodplain Information from Watershed Plans; Apply Stormwater Standards when Master Plan Information is Unavailable and Consider "Future Conditions" Floodplain Mapping
- \* Improve Floodplain Disclosure in Real Estate Transactions
- \* Improve Methods for Assessing Floodplain Properties

Fleck-Tooze she said these recommendations will come back to the Board and said adoption of higher standards will need to be done separately through the Lancaster County Zoning Resolution (Regulations) and Lancaster County Land Subdivision Regulations.

Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, said the report will also be presented to his Board in the near future and said he does not anticipate major concerns.

Don Thomas, County Engineer, expressed concern regarding an assertion in the report that: *it appears that adopting a No Net Rise/Compensatory Storage floodplain standard with no flexibility would be likely to increase the cost of constructing new stream crossing structures by approximately 25%* (Page 10). He said this would not apply to major floodplains and drainage ways.

Workman asked whether the Floodplain Task Force considered prohibiting construction in the floodplain.

Fleck-Tooze said not really. She said the Floodplain Task Force looked at the Lincoln and Lancaster County 2025 Comprehensive Plan, which identifies green space, environmental resources or agricultural stream corridors for floodplains in the new growth areas, and were comfortable that these, coupled with the standards, would have a positive impact.

In response to a question from Schorr, Fleck-Tooze said there were fewer floodplain development permits issued in 2001 and 2002 (Page 38) and said this was due, in part, to recognition by developers that there was an ongoing study.

Dale Stertz, Building and Safety Department, added that the sharp increase in the number of floodplain development permits from 1998 to 2000 was brought on by the myth of a moratorium on building in the floodplain.

Schorr asked whether the presentation will be shared with members of the business and development community.

Fleck-Tooze said copies of the report are being distributed to members of the business and environmental communities and the neighborhood groups. She said presentations will also be given, upon request.

In response to a question from Stevens, Johnson said most of the text changes noted in the polling summaries were incorporated at that time.

Heier noted that the Board's philosophy has been to not allow building in the floodplain.

## ADDITIONS TO THE AGENDA

### A. Electronic Fund Transfer Project

Kerry Eagan, Chief Administrative Officer, said there are sufficient funds in the Information Services Development Fund Budget to pay the development costs, estimated at \$1,416 (Exhibit I).

**MOTION:** Workman moved and Hudkins seconded approval. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

### B. Health Insurance Portability & Accountability Act (HIPAA) Update

Gwen Thorpe, Deputy Chief Administrative Officer, requested authorization to contact HIPAA Academy (HIPAA Consultant) to request assistance with the Electronic Data Interchange (EDI) piece for Lancaster Manor and the Community Mental Health Center (CMHC).

**MOTION:** Workman moved and Stevens seconded to authorize Gwen Thorpe, Deputy Chief Administrative Officer, to contact HIPAA Academy and request a cost estimate. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

### D. 5-City TV Program

The Chair agreed to appear with Russ Shultz, Weed Control Authority Superintendent, on a program focusing on noxious weeds.

### E. Study of Closure of Old Cheney Road at Highway 77

**MOTION:** Hudkins moved and Workman seconded to direct Kerry Eagan, Chief Administrative Officer, to write a letter to the Nebraska Department of Roads requesting a copy of the Final Traffic Analysis and Conceptual Design Report for Nebraska Department of Roads Project 77-2(155). Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

## 10 ACTION ITEMS

- A. Hiring Requests:
  - 1. Public Defender - Paralegal II
  - 2. County Assessor/Register of Deeds - Land Records Technician I
  - 3. Noxious Weed Control - Noxious Weed Inspectors (2 seasonal positions)

**MOTION:** Hudkins moved and Stevens seconded approval. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

- B. Request for a 30-Day Extension for Community Development Block Grant (CDBG) Grant No. 02-ED-011 (ADM)

**MOTION:** Stevens moved and Hudkins seconded approval. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Joint City/County Statement on Convention Center

Polly McMullen, Downtown Lincoln Association (DLA) President, appeared and said the Lincoln Chamber of Commerce and DLA are prepared to jointly facilitate a community-wide discussion and decision process on future facility needs (Exhibit E).

Stevens expressed concern regarding DLA's involvement as a facilitator, stating the DLA Board of Directors has already made a determination that the facility should be located downtown.

McMullen said the DLA Board has decided to "step back" from that position and be part of an open and objective community process.

Kent Seacrest, attorney for DLA, appeared and suggested that Lancaster County have a representative on the Community Council (key stakeholders) that will oversee the process (includes soliciting proposals from consultants, receiving community input and making recommendations on facility needs, siting, cost and funding).

It was suggested that the Lancaster Event Center and Visitors Promotion Advisory Committee (VPAC) also be included as partners in the process.

The Board reviewed a letter drafted in response to Mayor Wesely's request for a joint statement on location of a new convention center (see agenda packet).

**MOTION:** Hudkins moved and Schorr seconded to authorize the Chair to sign the letter. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

- B. Letter from Sinclair Hille & Associates Inc. Regarding Door Frame Problem at the Lancaster County Juvenile Detention Center

The Board reviewed a letter from Chris Beardslee, Sinclair Hille & Associates Inc., regarding the door frame/floor stop investigation and Professional Services Contract Summary (Exhibits J & K).

Eagan noted that Sinclair Hille is willing to assume the cost of door stop modifications (\$4,080).

Hudkins asked whether the problem is a design or performance flaw.

Eagan said Sinclair Hille & Associates Inc.(architect) contends that some of the doors were not built to specifications. He said concerns were also expressed regarding the torque exerted on the door stops.

Heier suggested that the County have an independent contractor review the problem.

Workman recommended Wilfred DeVries of Cortland, Nebraska.

**MOTION:** Workman moved and Hudkins seconded to direct Don Killeen, County Property Manager, to seek an estimate from Wilfred DeVries for analysis of the door frame/floor stop problem. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

The Board scheduled additional discussion with Beardslee on the April 24, 2003 Staff Meeting agenda.

## 12 ADJOURNMENT

**MOTION:** Stevens moved and Hudkins seconded to adjourn the meeting at 11:42 a.m. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk